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20 UBISOFT, INC.

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

16 TREVOR LAKES, and ALEX RAJJOUB *on*  
17 *Behalf of Themselves and All Others Similarly*  
18 *Situated,*

19 Plaintiff,

20 v.

21 UBISOFT, INC.,

22 Defendant.

Case No. 4:24-cv-06943-TLT

**DECLARATION OF CRISTINA ARION IN**  
**SUPPORT OF UBISOFT, INC.'S MOTION TO**  
**DISMISS COMPLAINT**

Judge: Honorable Trina L. Thompson

Trial date: None set



1 I, Cristina Arion, declare and state as follows:

- 2 1. I am over the age of 18 years and am competent to give this declaration.
- 3 2. I am the VP of IT Publishing for Ubisoft, Inc. ("Ubisoft"). I have been in that position  
4 since April 2023. In my capacity as VP of IT Publishing, a few of my primary  
5 responsibilities include overseeing the development and maintenance of Ubisoft's web  
6 properties, and driving continuous improvement of web platforms, focusing on  
7 performance optimization, accessibility, and compliance with industry standards.
- 8 3. I make this declaration in support of Ubisoft's Motion to Dismiss ("Declaration"). I have  
9 personal knowledge of the facts set forth herein and, if called upon to testify under oath, I  
10 could and would competently testify thereto.
- 11 4. In my capacity as VP of IT Publishing for Ubisoft, I am familiar with and have personal  
12 knowledge of the Ubisoft Website that Plaintiffs allege they visited in the Complaint,  
13 www.ubisoft.com (the "Website"), as Ubisoft owns and operates this Website.
- 14 5. When a visitor lands on the Website, they are immediately presented with a banner (the  
15 "Cookies Banner") that hyperlinks to the Website's Privacy Policy. The Cookies Banner  
16 notifies visitors that by clicking "OK" and "continuing to navigate on the site" that they  
17 "accept the use of cookies by Ubisoft and its partners to offer advertising adapted to your  
18 interests." It also presents Website visitors with the immediate option to set their cookie  
19 consent preferences. This Cookies Banner was first implemented on the Website in March  
20 2021 and, in all material respects, remained the same through September 25, 2024, when  
21 it was updated. A true and correct copy of the Cookies Banner in place starting in March  
22 2021 is attached hereto as **Exhibit A**. A true and correct copy of the slightly modified  
23 version of the Cookies Banner, updated on September 25, 2024, is attached hereto as  
24 **Exhibit B**. As of the date of this Declaration, the Website has a new version of the Cookies  
25 Banner, attached hereto as **Exhibit C**.
- 26 6. The Cookies Banner, as shown in Exhibits A, B, and C, allows Website visitors to select  
27 an option to "set" their cookie preferences. When selected, a new window appears  
28 ("Cookie Settings Pop-Up"), which allows website visitors to toggle "on" or "off" options



for “Analytics cookies,” “Personalization Cookies,” “Multimedia Player” cookies, and “Targeted Advertising Cookies.” A user may also simply click “OK” to accept default settings. After making these selections, a Website visitor may then proceed to access the Website. True and correct copies of the Cookie Settings Pop-Up windows in place starting on March 2021 and updated on September 25, 2024, respectively, are attached hereto as **Exhibits D and E**. The Cookie Settings Pop-Up window in place as of the date of this Declaration is attached hereto as **Exhibit F**.

7. Website visitors can also manage their cookie consent preferences by clicking on the “Set cookies” hyperlink located at the bottom of every page on the Website (“Page Hyperlink”). This Page Hyperlink has been on the Website since March 2021. A true and correct screenshot of this hyperlink option is attached hereto as **Exhibit G**.
8. In order to make any subscription or product purchases on the Website, a visitor must first set up a Ubisoft user account (“Ubisoft Account”). To create a Ubisoft Account on the Website, he or she must first confirm their date of birth. After the Website visitor enters their email address, they then are prompted with another pop-up window with several checkboxes. The first checkbox confirms that users agree to “accept Ubisoft’s Terms of Use,” “Terms of Sale,” and “Privacy Policy.” Each of those set of terms are hyperlinked from this account set-up window (“Account Creation Page”). To create an account, a visitor must check the box accepting those three sets of terms. Further, the registration process also includes two other checkbox options, including an option to agree to share “personal and game data” with third parties for “marketing purposes.” This same Account Creation Page, with a materially similar user registration flow, has been in place on the Ubisoft website since at least 2018. A true and correct copy of this Account Creation Page is attached hereto as **Exhibit H**.
9. The Website also prompts users to review its Privacy Policy via hyperlink on the Website’s purchase page (“Website Checkout Page”). A hyperlink to the Privacy Policy has been in place on the Website Checkout Page since 2020. A true and correct copy of the Website Checkout Page is attached hereto as **Exhibit I**.



I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 16 day of December 2024 in San Francisco, California.

/S/